



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

**REGION 10**

1200 Sixth Avenue, Suite 900  
Seattle, WA 98101-3140

OFFICE OF  
WATER AND  
WATERSHEDS

July 19, 2013

Reply to Attn of: OWW-131

Mr. Ben Conard  
U.S. Fish and Wildlife Service  
11103 E. Montgomery Drive  
Spokane, Washington 99206

Re: Endangered Species Act (ESA) Section 7 Consultation on the EPA's Approval Action for  
the Water Quality Standards of the Coeur d'Alene Tribe

Dear Mr. Conard:

In accordance with Section 7 of the ESA, the U.S. Environmental Protection Agency is requesting consultation on its proposed approval of the Coeur d'Alene Tribe's (the Tribe's) water quality standards, which were received by EPA for review in June 2010. The relevant provisions of the water quality standards are described in the enclosed Biological Evaluation (BE), as are the EPA's effects determinations for bull trout, the only ESA-listed species that may be affected by this action.

The Tribe's water quality standards include toxics criteria for the protection of aquatic life, as well as narrative criteria, provisions related to implementation of the water quality standards, and water quality criteria that protect specific water uses. Many of the toxics criteria adopted by the Tribe are identical to criteria that the EPA recently approved in Oregon, and the enclosed BE references the ESA consultation and EPA and U.S. Fish and Wildlife Service (USFWS) conclusions regarding effects of Oregon's criteria on bull trout. This approach was taken with the objective of expediting the consultation for both parties. Section 5.3.7 and Table 5.2 of the BE contain a summary of the EPA's effects conclusions for toxics criteria, and Section 6 contains a summary of effects determinations for all relevant provisions of the Tribe's water quality standards.

The EPA seeks concurrence from the USFWS that the EPA's approval of the Tribe's water quality standards is not likely to adversely affect bull trout as described in the BE. The EPA requests formal consultation for five aquatic life toxics criteria for metals.

We are hopeful that the USFWS will be able to concur on the EPA's not likely to adversely affect (NLAA) findings within 30 days and to complete any formal consultation within the regulatory time frames. To meet this goal, we look forward to close coordination as you proceed with your review and, if needed, will offer additional assistance and clarification of our BE.

If you have any questions or wish to discuss this matter further, please call me at (206) 553-6511 or Maja Tritt at (206) 553-6265.

Sincerely,



Angela Chung, Unit Manager  
Water Quality Standards  
Office of Water & Watersheds

Enclosure

cc: Mr. Phil Cernera (via email, w/out encl.), Lake Management Department, Coeur d'Alene Tribe

Mr. Scott Fields (via email, w/out encl.), Lake Management Department, Coeur d'Alene Tribe

Mr. Bryon Holt (via email, w/ encl.), Northern Idaho Field Office, U.S. Fish and Wildlife Service